

Notice of Allowability

Application No.

10/656,844

Examiner

Gary E. Elkins

Applicant(s)

JOUPPI ET AL.

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 31 October 2005.
2. ☒ The allowed claim(s) is/are 1-23,25-27 and 29.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

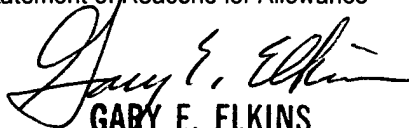
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


GARY E. ELKINS
PRIMARY EXAMINER
ART UNIT ~~2007~~ 3727

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Timothy A. Czaja on 01 December 2005.

The application has been amended as follows:

In claim 1, line 7, ---extends to and--- has been inserted after "that".

In claim 20, line 9, ---extends to and--- has been inserted after "that".

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

The claims are considered allowable over the prior art of record insofar as none of the prior art suggests formation of the interlocking tab and slot construction in a carton closure as claimed. The patent to Roseth et al, as indicated in the response, would not have suggested forming the tapered sides of the tab and slot with the taper angle of the slot being greater than the taper angle of the tab in an interlock where the slot extends to and is open to the leading edge of the flap. The interlock of Roseth et al is effected by engagement between the tab and slot internal of the flap edge, i.e. the engagement of the interlock is functionally different in the Roseth et al construction. The Examiner's Amendment is made to emphasize the differences between the claimed interlock construction and the internal type interlock such as that of Roseth et al.

With respect to the rejections under 112, 1st paragraph and the objection to the drawings in the first office action, the rejections/objection are withdrawn in view of the newly submitted fig. 6 and the remarks set forth in the response. The changes to the drawing are not considered new matter insofar as the changes reflect the only possible manner in which the two panels would interlock as disclosed, i.e. the panels could only interlock if the width of the two interlocking panels is less than the width of the opposing wall. One of ordinary skill in this art would have recognized the necessary construction to effect the interlock as disclosed. The confusion is considered a result of the drawings incorrectly showing the relative widths of the panels rather than a lack of disclosure and enablement.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."